

Response Under 37 CFR 1.116
Expedited Procedure
Examining Group 1614

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: US Patent Application 09/529,742
Filed July 24, 2000
Title Stomatic Composition
Applicant Rudin
Art Unit 1614
Senior Primary Examiner Shep Rose
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Attorney Docket (H)97OM1412USP

Mail Stop RCE-Examiner Shep Rose
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Alexandria, Va. 22313-1450

Amendment After Final Action

Dear Examiner Rose:

This responds to the Office Action of May 18, 2003, which was a final action. This final action came without having the benefit of the Examiner's reactions to many of the previously presented arguments set forth in Applicant's previously presented responses. Therefore, it is respectfully requested that this Amendment After Final Action, which is submitted with a Request for Continued Examination, be entered, and that any communication from the USPTO regarding this response be a NON-FINAL action.

The Examiner has not acknowledged or dealt with the arguments previously presented regarding:

1. That knowing how the HAP particles are made is irrelevant to the present invention; and
2. That a terminal disclaimer requirement is not reasonable.

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The Examiner continues to restate the same objections in exactly the same language, without any consideration or refutation of the arguments previously presented. Consequently, Applicant respectfully believes that the previous responses submitted prior to the final action were never considered. It does not appear that this Examination has proceeded with the required consideration of responses prior to new office communications.

The specification is amended in this Amendment After Final Action to meet the requirements and objections set forth by the Examiner's final action of May 18, 2003. The amendments to the specification do not make substantive changes in the specification. Rather, the amendment to the specification is primarily to make a clarification in how to make HAP particles, and to replace a reference to a foreign patent to its corresponding US Patent number. Since there are no substantive changes to the specification, it should be acceptable to make these amendments to the specification in a RCE, rather than a continuation application. Having the examination proceed as quickly as possible is extremely important to the Applicant, and requiring a continuation application for this amendment would greatly and unfairly slow examination of the application. A marked-up version and substitute specification are submitted herewith.

The claims are not amended in this Amendment After Final Action. The claims were substantially amended in the previous amendment submitted on September 28, 2002. A complete listing of the current claims is set forth on the following pages:

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